

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**TREY CARNLEY,**

***Plaintiff,***

**v.**

**MUGGLE TOWING, LLC and  
JESSICA WARREN,**

***Defendants.***

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CASE NO. 6:20-cv-00225-JDK**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff's Motion to Dismiss Counterclaims (Docket No. 8) and Motion to Dismiss Amended Counterclaims (Docket No. 18) were referred to United States Magistrate Judge K. Nicole Mitchell for proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b) (Docket No. 22). On February 1, 2021, Judge Mitchell issued a Report and Recommendation (Docket No. 37) recommending that the motion to dismiss counterclaims be denied as moot and the motion to dismiss amended counterclaims be granted. The parties did not file written objections.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*),

*superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, the parties did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 37) be **ADOPTED** and that Plaintiff's Motion to Dismiss Counterclaims (Docket No. 8) is **DENIED AS MOOT** and Plaintiff's Motion to Dismiss Amended Counterclaims (Docket No. 18) is **GRANTED**.

So **ORDERED** and **SIGNED** this 23rd day of February, 2021.

  
\_\_\_\_\_  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE